

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANGEL ALVAREZ,

Plaintiff,

**STIPULATION OF  
SETTLEMENT OF COSTS  
AND EXPENSES**

-against-

11 Civ. 5464 (JPO)

CITY OF NEW YORK, et al,

Defendants.  
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**WHEREAS**, plaintiff Angel Alvarez commenced this action by filing a complaint on or about August 5, 2011 alleging that defendants violated plaintiff's federal civil and state common law rights;

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations;

**WHEREAS**, plaintiff's excessive force claim was tried before a jury between September 19 and September 28, 2016;

**WHEREAS**, the jury found in favor of defendants Douglas Brightman and Philip Terpos on plaintiff's excessive force claim;

**WHEREAS**, the jury found in favor of plaintiff on his excessive force claim against defendants Michael Tedeschi, Paul Kerrigan and Thomas Cozart and awarded one dollar (\$1.00) in nominal damages;

**WHEREAS**, the Court ruled that no attorneys' fees would be awarded in this case;

**WHEREAS**, the Court ruled that plaintiff and defendants can pursue their respective costs and expenses in this matter;

**WHEREAS**, plaintiff has assigned his rights to costs and expenses to his attorneys, Galluzzo & Arnone, LLP; and

**WHEREAS**, counsel for defendants, and counsel for plaintiff Angel Alvarez now desire to resolve the issue of costs and expenses without further proceedings;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York shall pay to plaintiff's counsel, Galluzzo & Arnone, LLP, the sum total of ONE THOUSAND DOLLARS (\$1,000) in full satisfaction of plaintiff's costs and expenses. This sum total of ONE THOUSAND DOLLARS (\$1,000) will be paid by check made payable to Galluzzo & Arnone, LLP. Counsel for plaintiff, Galluzzo & Arnone, LLP, hereby agree and represent that plaintiff has assigned his rights to costs and expenses to them, and that no other claims for costs and expenses arising out of this action shall be made by or on behalf of plaintiff in any application for costs and expenses at any time. Counsel for defendants hereby agree and represent that any claims defendants may have for costs and expenses arising out of this action have been resolved, and that no claims for costs and expenses arising out of this action shall be made by or on behalf of defendants in any application for costs and expenses at any time.

2. In consideration of the payment of ONE THOUSAND DOLLARS (\$1,000) by the defendant The City of New York, counsel for plaintiff, Galluzzo & Arnone, LLP, does hereby release and discharge defendants and any present or former employees and agents of the City of New York or any entity represented by the Office of Corporation Counsel, from any

and all claims of costs and expenses which were or could have been alleged in the aforementioned action.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York.

4. This Stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, and nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

5. This Stipulation contains all the terms and conditions agreed upon by counsel for defendants and counsel for plaintiffs hereto, and no oral agreement entered into prior to the execution of this Stipulation regarding the subject of costs or expenses shall be deemed to exist or to vary the terms and conditions contained herein.

Dated: New York, New York  
January 24, 2018

GALLUZZO & ARNONE, LLP  
*Attorneys for Plaintiff*  
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By: 

MATTHEW GALLUZZO, ESQ.

ZACHARY W. CARTER  
Corporation Counsel of the City of New York  
*Attorney for Defendants*  
100 Church Street  
New York, New York 10007

By: 

BEN KURUVILLA  
*Senior Counsel*  
Special Federal Litigation Division

SO ORDERED

  
J. PAUL OETKEN  
United States District Judge

Jan. 25, 2018